

2SHB 2539 - H AMD 1193

By Representative Upthegrove

WITHDRAWN 2/15/2010

1 On page 3, after line 32, insert the following:

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3 "Sec. 5. RCW 81.77.040 and 2007 c 234 s 66 are each amended to  
4 read as follows:

5 A solid waste collection company shall not operate for the  
6 hauling of solid waste for compensation without first having obtained  
7 from the commission a certificate declaring that public convenience  
8 and necessity require such operation. Operating for the hauling of  
9 solid waste for compensation includes advertising, soliciting,  
10 offering, or entering into an agreement to provide that service. To  
11 operate a solid waste collection company in the unincorporated areas  
12 of a county, the company must comply with the solid waste management  
13 plan prepared under chapter 70.95 RCW in the company's franchise area.

14 Issuance of the certificate of necessity must be determined on,  
15 but not limited to, the following factors: The present service and  
16 the cost thereof for the contemplated area to be served; an estimate  
17 of the cost of the facilities to be utilized in the plant for solid  
18 waste collection and disposal, set out in an affidavit or declaration;  
19 a statement of the assets on hand of the person, firm, association, or  
20 corporation that will be expended on the purported plant for solid  
21 waste collection and disposal, set out in an affidavit or declaration;  
22 a statement of prior experience, if any, in such field by the  
23 petitioner, set out in an affidavit or declaration; and sentiment in  
24 the community contemplated to be served as to the necessity for such a  
25 service.

26 When an applicant requests a certificate to operate in a territory  
27 already served by a certificate holder under this chapter, the

1 commission may, after notice and an opportunity for a hearing, issue  
2 the certificate only if the existing solid waste collection company or  
3 companies serving the territory will not provide service to the  
4 satisfaction of the commission or if the existing solid waste  
5 collection company does not object.

6 In all other cases, the commission may, with or without hearing,  
7 issue certificates, or for good cause shown refuse to issue them, or  
8 issue them for the partial exercise only of the privilege sought, and  
9 may attach to the exercise of the rights granted such terms and  
10 conditions as, in its judgment, the public convenience and necessity  
11 may require.

12 Any right, privilege, certificate held, owned, or obtained by a  
13 solid waste collection company may be sold, assigned, leased,  
14 transferred, or inherited as other property, only if authorized by the  
15 commission.

16 For purposes of issuing certificates under this chapter, the  
17 commission may adopt categories of solid wastes as follows: Garbage,  
18 refuse, recyclable materials, and demolition debris. A certificate  
19 may be issued for one or more categories of solid waste. Certificates  
20 issued on or before July 23, 1989, shall not be expanded or restricted  
21 by operation of this chapter.

22  
23 **Sec. 6.** RCW 81.77.090 and 1961 c 295 s 10 are each amended to  
24 read as follows:

25 (1) Every person who violates or fails to comply with, or who  
26 procures, aids, or abets in the violation of any provisions of this  
27 chapter, or who fails to obey, or comply with any order, decision,  
28 rule, regulation, direction, demand, or requirement of the commission,  
29 or any part or provision thereof, is guilty of a gross misdemeanor.

30 (2) Each advertisement reproduced, broadcast, or displayed via a  
31 particular medium constitutes a separate violation under this  
32 chapter."

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34

1 Renumber the remaining section consecutively, correct any internal  
2 references accordingly, and correct the title.  
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**EFFECT:** Operation as a solid waste collector is clarified to include advertising, soliciting, offering, or entering into an agreement to provide solid waste collection service. Criminal penalties that apply to the entire chapter remain and apply to each advertisement.

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